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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 DENNIS MARTEL,

11 Plaintiff,

No. CIV S-04-0014 DFL EFB P

12 vs.

13 CALIFORNIA DEPARTMENT
14 OF CORRECTIONS, et al.,

15 Defendants.

ORDER

16 Plaintiff moves to modify the July 28, 2006, revised schedule. Defendants have filed a
17 statement of no opposition and also seek modification of the schedule.

18 A schedule may be modified upon a showing of good cause. Fed. R. Civ. P. 16(b). Good
19 cause exists when the moving party demonstrates he cannot meet the deadline despite exercising
20 due diligence. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

21 Pursuant to the revised schedule, pretrial motions were to be filed by October 18, 2006.
22 Plaintiff asserts that in the beginning of October while he was preparing his motion, he
23 unexpectedly was transferred to a different prison for health reasons. For security reasons, all
24 his personal belongings, including his legal materials, were confiscated. Plaintiff asserts he can
25 file his motion by October 31, 2006. Defendants also request an extension until October 31 to
26 file their pretrial motion upon the ground that plaintiff's transfer affects the identity of the
custodian

1 of records. They assert that the new records custodian must review the documents before
2 certifying them.

3 Good cause appearing, it is hereby ORDERED that plaintiff's October 12, 2006, motion
4 is granted. The schedule is modified so that pretrial motions shall be filed no later than
5 November 29, 2006.

6 Dated: November 13, 2006.

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8 EDMUND F. BRENNAN
9 UNITED STATES MAGISTRATE JUDGE
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